

REMARKS

Claims 1-2 are pending in the application. Claim 1 is the sole independent claim.

The Claims Are Not Anticipated by Graber

The Office has rejected claims 1-2 under 35 U.S.C. § 102(e) as being anticipated by Graber (U.S. Patent No. 5,812,769). Applicants respectfully traverse this rejection, and submit that each pending claim is patentably distinguishable over Graber.

Applicants respectfully traverse this rejection for the following reasons.

In order for a claim to be anticipated under 35 U.S.C. §102, a single prior art reference must disclose each and every element of the claim in exactly the same way. *Lindeman Maschinenfabrik v. Am. Hoist and Derrick*, 730 F.2d 1452, 1458 (Fed. Cir. 1984); MPEP §2131. Anticipation does not occur in the instant application, however, because Graber fails to disclose at least the following elements recited in independent claim 1:

- selecting an ad "based upon stored information about said user node", and
- selecting an ad "in response to said first advertising request", wherein the "first advertising request [is] based upon said first link" embedded "within content of said first affiliate web site" and which "is sent to a user node in response to a request for said content from said user node to said first affiliate web site".

The Office contends that Graber discloses these elements in Fig. 1 and in the discussion at col.5:25 - col. 6:22. However, the Office has misapprehended the disclosure in Graber. Graber does not disclose embedding a link in content provided by a first affiliate web site to a user such that an advertising request is received from the user based on the embedded link; nor does Graber disclose selecting an ad in response to the advertising request received from the user. To the contrary, in the section of Graber relied upon by the Examiner, the reference states "... a page at site 122a includes an advertisement (not shown) for OLS 140. In addition, the advertisement at co-marketer site 122a is preferably such that a user of user station 102a may chose to connect to OLS site 128 simply by 'clicking' on the advertisement at WWW site 122a. ..." Thus, in Graber, the ***advertisement is already contained in the web page***

presented by the co-marketer before the user accesses the web page. Graber has no advertisement request from a user node based on a link embedded in the web page, and no advertisement selected in response to receiving such an advertising request from the user node. Moreover, in Graber since there is no selection of an advertisement in response to an advertising request from the user, there certainly is no selection of an advertisement based on stored information about a user node.

Furthermore, as dependent claim 2 depends from and further limits independent claim 1, Applicants respectfully submit that Graber does not anticipate claim 2 for at least the same reasons as discussed above.

For at least the foregoing reasons, Graber does not anticipate claims 1-2, and the rejection of these claims under section 102 should be withdrawn.

PATENT

Appl'n No.: 10/798,340
Attny Dkt No.: 11032-3068

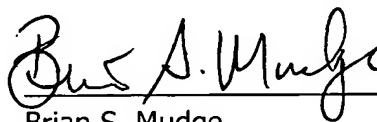
CONCLUSION

It is respectfully submitted that, in view of the foregoing remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

The Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brian S. Mudge", is written over a horizontal line.

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